IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPLICATION NO.19 OF 2003

The Commissioner of Central Excise,
Pune-1 Commissionerate .. Applicant
V/s
M/s.Bajaj Auto Ltd, Akurdi, Pune .. Respondent

Mr.S.M.Shah with Mrs.Neeta Masurkar for the Applicant.

Mr.A.Hidayatullah, Sr.Counsel with Mr.A.Seeraji i/by M/s.N.Shah Mimayatullah for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
J.H.BHATIA, JJ.

DATE : 10/08/2005.

P.C.:

1. Heard the learned Counsel for the parties. The learned Sr.Counsel appearing for the Respondent has brought to our notice that the Division Bench of our High Court in Reference Case No.5 of 2001 pertaining to the same parties and on the very same question, has declined to interfere. The Division Bench in the aforesaid Reference Case, has also referred to the earlier decision of this Court in Misc.Civil Application No.4 of 2001 wherein a similar view was taken by the Division Bench of this Court, and even an appeal filed against the said order of the Division Bench of this Court was dismissed by the Supreme Court. Under these circumstances, we are not inclined to entertain the application. Application stands dismissed.

(DR.S.RADHAKRISHNAN J.)

(J.H.BHATIA J.)